

IPW

03500.018040.

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Uyen Chau N. Le
SHIGEO KISO)	
	:	Group Art Unit: 2876
Application No.: 10/781,693)	
	:	
Filed: February 20, 2004)	
	:	
For: METHOD OF PRODUCING)	
SUBSTRATE WITH MARK,	:	
PROGRAM FOR READING)	
MARK, AND APPARATUS	:	
FOR READING MARK)	September 23, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement set forth in the Office Action dated September 1, 2005, Applicant provisionally elects to prosecute the Group I claims, namely Claims 1 to 18. The restriction requirement is, however, traversed.


The restriction requirement was entered pursuant to the guidelines of MPEP § 806.05(c), which permits restriction between a combination and a subcombination if two-way distinctness can be shown. Applicant respectfully submits that Groups I and II are not related as combination and subcombination. The mark-reading program and the mark-reading apparatus recited by the Group II claims are not believed to be subcombinations of the Group I method of producing a substrate with a mark.

Furthermore, Applicant respectfully submits that there would not be undue burden in examining the two groups of claims in a single application. In particular, MPEP § 808 makes clear that in order to require restriction between independent or distinct inventions, reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. In the present instance, it is not believed that there would be an undue burden in examining the claims of Groups I and II in a single application, since the two groups of claims are not so different as would require a burden on the Examiner that is significantly beyond that of the normal burdens of examination.

Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Damond E. Vadnais", is written over a horizontal line.

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